

REMARKS/ARGUMENTS

Claims 6-17 and 20-23 are pending. Claims 1-4 and 18 have been cancelled herein. The Applicant gratefully acknowledges the allowance of claims 11-17 and 23.

The Applicant's arguments were deemed moot in view of new grounds of rejections. Yet, new grounds of rejection were only introduced for claims 1-4, 18 and 22. As detailed below, the same text portions from the Humphries, Myron and/or Shimuzu references were relied upon by the Examiner to reject claims 6-10 and 20-21, which the Applicant maintains do not support the Examiner's rejections.

It is respectfully requested that the Examiner carefully review the text portions cited in the Office Action and Applicant's explanations of how these text portions do not support the Examiner's rejections, and that the rejections of the claims be withdrawn in their entirety.

1. Rejection of Claims 1-4, 18 and 22 Under § 103(a)

Claims 1-4, 18 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,621,662 ("Humphries") in view of U.S. Patent No. 4,608,674 ("Guscott"). Claims 1-4 and 18 have been cancelled. The Applicant respectfully traverses this rejection with respect to claim 22.

Claim 22 recites, among other things, adjusting the sensitivity of a motion detecting sensor *in response to* a home parameter determined by a status sensor. Neither Humphries or Guscott teach or suggest this concept.

The Examiner admits on page 6 that Humphries fails to teach adjusting sensor trigger sensitivity of at least one of the room motion sensors in response to the home parameter determined by the status sensor. The Examiner does not cite to any portion of Guscott to support the deficiencies of Humphries in rejecting claim 22. Instead, the Examiner cites Col. 11, lines 49-62 of Myron for allegedly teaching this feature. Even though Myron is not listed as a reference supporting the present set of rejections, the Applicant respectfully traverses this rejection.

Col. 11, lines 49-62 of Myron states in their entirety:

“In any space that is only supposed to be occupied briefly, such as a restroom, this probably means that the sensor is erroneously detecting room motion based on hall motion, and it is time to reduce the sensitivity greatly 202. If the room is considered to be unoccupied, and no ambient noise or hallway traffic has made the occupancy signal rise to even a fraction of the threshold level (which would reset the auto-adjust timer 187), then it is time to increase the sensitivity slightly 201. This means that the sensor will decrease its sensitivity rapidly to a point where it will not erroneously detect motion, and will then increase the sensitivity slowly and conservatively. If the sensitivity has been changed, either through a user setting or through automatic adjustment, then the auto-adjust timer is reset 203.

The Applicant maintains that this text from Myron merely teaches changing sensitivity based upon a lack of occupancy. The auto adjust timer simply measures the length of time between detected motions, and is not a status sensor for determining a home parameter as recited in claim 22.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); MPEP 2143.03. Because the references relied upon by the Examiner fail to teach or suggest adjusting the sensitivity of a motion detecting sensor *in response to* a home parameter determined by a status sensor, it is respectfully submitted this rejection is erroneous and should be withdrawn.

2. Rejection of Claims 6-8, 10 and 20 Under § 103(a)

Claims 6-8, 10 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Humphries in view of U.S. Patent No. 5,640,143 (“Myron”). The Applicant respectfully traverses this rejection.

Claim 6

Claim 6 recites a home automation system having controlled objects, room motion sensors, and “**a controller** *for controlling the controlled objects* in response to detected

occupancy by the plurality of room motion sensors; wherein at least one of the room motion sensors includes a sensor for detecting motion in one of the rooms, the sensor having *a sensitivity* to the motion for triggering the room occupancy sensor, *and wherein the sensitivity is adjustable in response to signals from the controller*”, which neither Humphries or Myron teach or suggest. The Examiner cites Col. 11, lines 49-62 as teaching the claimed sensitivity adjustment. However, this text merely teaches the sensor’s microcontroller is adjusting a threshold sensitivity. The sensor’s microcontroller is not a controller that controls controlled objects, as recited in claim 6. Therefore, even if the Myron motion sensor were combined with the Humphries home automation system as suggested by the Examiner, there still is no suggestion of adjusting the motion detector’s sensitivity in response to signals from a controller of controlled objects. Thus, it is submitted that claim 6, and claims 7-8 and 10 dependent thereon, are not rendered obvious.

On pages 12-13 of the Office Action the Examiner states, in response to the above argument, that microcontroller 14 of Myron corresponds to the controller for controlling the controlled objects, and thus the combination of Myron and Humphries teaches all the elements of claim 6. The Applicant traverses this conclusion for several reasons. *First*, the sensitivity of the sensor is defined by the microcontroller 14, not adjusted in response to signals from microcontroller 14 (see col. 4, lines 41-44: “The microprocessor 14 is the heart of the system, providing both signal filtering and algorithmic control of the controlled output 13.”) The Applicant cannot find, and the Examiner has not identified, any signals from microcontroller 14 that are then used to adjust the sensor’s sensitivity. *Second*, the basis of the Examiner’s rejection is that it would have been obvious “to incorporate the sensitivity adjustment of Myron with the system of Humphries...” Yet, the Examiner has identified that Humphries includes a controller for controlling the controlled objects in response to detected occupancy by the plurality of room motion sensors. Thus, by combining Humphries and Myron as proposed by the Examiner, there simply is no suggestion of adjusting the sensitivity of the Myron sensor in response to signals from the Humphries controller.

As stated above, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka; MPEP 2143.03. Because the cited portions of the Humphries and Myron in combination fail to teach or suggest all the elements of claim 6, the Applicant respectfully submits that the rejection of claim 6, and of claims 7-8 and 10 dependent thereon, is erroneous and should be withdrawn.

Claims 8, 10, 20

These claims recite the concept of adjusting the sensitivity of a motion detecting sensor *in response to other sensors* (movement through doorway detected by entry/exit sensor as recited in claims 8 and 20, or a home parameter determined by a status sensor as recited in claim 10). It is respectfully submitted that neither Humphries or Myron teach or suggest these concepts.

In the present office action, the Examiner concludes:

“Myron teaches the occupancy sensor, wherein the sensitivity is adjusted in response to detected movement by at least one of the entry/exit sensors”, relying on col. 11, lines 8-10 and col. 11, lines 49-52. However, the cited text provides no apparent support for the Examiner’s conclusion. Lines 8-10 state in their entirety:

“A sensor which is operating in parallel with an array of other sensors could send its occupancy status to a central control station, rather than switching on the load by itself.”

This text merely acknowledges that a plurality of sensors can send their occupancy status to a central control station. Lines 49-52 state in their entirety:

“In any space that is only supposed to be occupied briefly, such as a restroom, this probably means that the sensor is erroneously detecting room motion based on hall motion, and it is time to reduce the sensitivity greatly 202.”

This text merely acknowledges when the sensitivity should be reduced.

Nowhere in the cited text can the Applicant find any suggestion of adjusting the sensitivity of a motion detecting sensor **in response to other sensors**, let alone in response to sensors placed in doorways to detect movement therethrough as recited in claims 8 and 20, or in

response to a home parameter status sensor as recited in claim 10. Thus, this rejection should be withdrawn. In re Royka; MPEP 2143.03.

3. Rejection of Claim 9 under § 103(a)

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Humphries and Myron, and further in view of JP 06230144 (“Shimizu”). The Applicant respectfully traverses this rejection.

Neither Humphries or Myron teach or suggest the concept of adjusting the sensitivity of a motion detecting sensor *in response to other sensors* (e.g. occupancy of specific location in a room detected by spot sensor as recited in claim 9) as shown above in Part 2. The addition of Shimizu fails to cure the deficiencies of Humphries and Myron. **Simply adding the spot sensors of Shimizu to the teaching of Humphries and Myron fails to suggest adjusting the sensitivity of one sensor in response to other sensors.**

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); MPEP 2143.01. Because the combination of Humphries, Myron and Shimizu fail to produce the claimed invention, the Applicant respectfully submits this rejection is erroneous and should be withdrawn.

4. Rejection of Claim 21 under § 103(a)

Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Humphries in view of Myron and Shimizu.

Similar to claim 9, claim 21 recites the concept of adjusting the trigger sensitivity of a room motion sensor *in response to other sensors* (occupancy of specific location in a room detected by spot sensor). Thus, for the reasons set forth above in Parts 2 and 3 with respect to

claim 9, it is respectfully submitted that claim 21 is not rendered obvious by Humphries and Myron. The addition of Shimizu simply fails to cure the deficiencies of Humphries and Myron, and thus this rejection is deemed erroneous. In re Fine; MPEP 2143.01.

For the foregoing reasons, it is respectfully submitted that the claims are in an allowable form, and action to that end is respectfully requested.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH

Dated: October 21, 2004 By: Alan A. Limbach

Alan A. Limbach
Reg. No. 39,749

Attorneys for Applicant(s)

Alan A. Limbach
Gray Cary Ware & Freidenrich LLP
2000 University Avenue
East Palo Alto, CA 94303-2248
650-833-2433 (Direct)
650-833-2000 (Main)
650-833-2001 (Facsimile)
alimbach@graycary.com

EM\7175697.1
2102447-900400